

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

RAFAEL PINEDA-MOJICA,)	
)	
Petitioner,)	
)	
v.)	CV 321-017
)	
STACEY N. STONE, Warden,)	
)	
Respondent.)	

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, now a former inmate at McRae Correctional Facility, in McRae, Georgia, filed the above-captioned petition pursuant to 28 U.S.C. § 2241. Petitioner seeks an Order from the Court directing the Bureau of Prisons (“BOP”) to credit twenty months and fourteen days to his sentence that he spent in state custody from April 30, 2018 through January 14, 2020. (Doc. no. 1, pp. 1, 4.) In response to the show cause order, Respondent reports BOP officials responded to the petition by giving Petitioner the full credit he requested and releasing him from jail. (See doc. no. 12.) The Court thus **REPORTS** and **RECOMMENDS** this case be **DISMISSED** as **MOOT** and **CLOSED**.

I. DISCUSSION

On April 12, 2017, Petitioner pled guilty in the Southern District of Florida to one heroin conspiracy charge, and United States District Judge Beth Bloom sentenced Petitioner to sixty months of imprisonment, four years of supervised release, and a \$100.00 special assessment. (Doc. no. 12-1, Ex. 1, Attach 5, p. 25.) On April 29, 2018, Petitioner was

transferred to the Circuit Court of Palm Beach County, Florida, where he pled guilty to one cocaine trafficking charge and was sentenced to three years of imprisonment to run concurrent with his federal sentence. (*Id.* at 9-11.) Petitioner served his state prison term from April 30, 2018 through January 14, 2020, when he was returned to federal custody. (Doc. no. 1, p. 3.)

On March 5, 2020, upon admission to McCrae Correctional Facility, Petitioner learned BOP was not crediting toward his federal sentence the time he spent in state custody from April 30, 2018 through January 14, 2020, thus prompting Petitioner to file the present petition. In response, BOP inquired with Judge Bloom whether the federal sentence should run concurrently or consecutively with his state sentence. (Doc. no. 12, p. 2.) Judge Bloom responded by order in Petitioner's underlying criminal case that his federal sentence should run concurrent with the state sentence. (Doc. no. 12-1, Ex. 1, Attach 4, p. 21.) The BOP thus credited Petitioner's federal sentence with the twenty months and fourteen days requested, changed his projected release date to April 21, 2021 after credit for good conduct time, and timely released Petitioner on April 21, 2021 into the custody of Immigrations and Customs Enforcement. (Doc. no. 12-1, Ex. 1, ¶¶ 8-10.)

As a result, the instant matter is moot. The jurisdiction of federal courts is limited by Article III of the Constitution to "Cases" or "Controversies." Soliman v. United States, 296 F.3d 1237, 1242 (11th Cir. 2002). "[A] case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief." Barrera v. United States Attorney Gen., 557 F. App'x 877, 881 (11th Cir. 2014); Soliman, 296 F.3d at 1242. If events occurring after the filing of a petition deprive the Court of the ability to provide meaningful relief, then the case is moot and must be dismissed. Soliman, 296 F.3d at 1242;

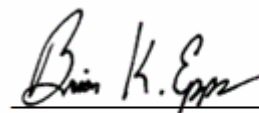
see also Spencer v. Kemna, 523 U.S. 1, 7 (1998) (“[T]hroughout the litigation, the plaintiff ‘must have suffered or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.’”) (citation omitted). Because mootness is jurisdictional, dismissal is required if no case or controversy remains. Id.

Here, the record confirms that as of April 21, 2021, the relief Petitioner sought when he filed this petition has been granted. (Doc. no. 12-1, Ex. 1.) Consequently, no case or controversy remains for which the Court can grant meaningful relief, and this proceeding must be dismissed.

II. CONCLUSION

For the reasons set forth above, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED** as **MOOT** and **CLOSED**.

SO REPORTED and RECOMMENDED this 10th day of May, 2021, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA